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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,342	10/28/2003	Rudolf J. Hofmeister	15436.253.66.1	5604

7590 01/26/2007
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EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2828

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/695,342

Applicant(s)

HOFMEISTER ET AL.

Examiner

Dung (Michael) T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/15/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 22-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chieng et al. (6862302).

With respect to claims 22-24, 26, 29, and 31-32, Chieng et al. show in Fig.3, 5, and 8 a test and configuration system, comprising:

a temperature control device (125) configured for thermal communication with one or more optoelectronic transceivers (100);

an optical signal analyzer (802) configured and arranged to communicate with an optoelectronic transceiver that is thermally coupled with the temperature control device;

a host system (804) configured for communication with the temperature control device, any optoelectronic transceivers that are thermally coupled with the temperature control device, and with the optical signal analyzer, the host system comprising:

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a central processing unit (PC);

a user interface (keyboard); and

a memory (it is understood a PC must have a memory) that is configured to communicate with the central processing unit and the user interface, where the memory stores:

an operating system;

control parameter setup procedures;

operational requirement settings; and

temperature compensation values (laser temperature from thermistor 44);

a data bus configured to couple the host system with any optoelectronic transceivers thermally coupled with the temperature control device; and

a control bus configured to couple the host system with any optoelectronic transceivers thermally coupled with the temperature control device (TABLE 1, Step (1)).

With respect to claim 25, TABLE 1, Step (1) discloses the memory stores extinction ratio and optical power level setup procedures.

With respect to claims 27-28, Fig.3, 5, and 8 and TABLE 1, Step (1) disclose the temperature compensation values relate to the computation of temperature compensation and jitter minimization values at various temperatures.

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With respect to claim 30, Chieng et al. disclose, in Fig.3, 5, and 8 and in the title, the test and configuration system is configured to operate in connection with a plurality of optoelectronic transceivers (optical emitters) simultaneously.

With respect to claim 33, Fig.8 and 13-14 disclose the host system for performing a method comprising: while operating an optoelectronic device at a first temperature, adjusting a first control parameter to satisfy a first operating requirement, and recording an associated first value of the first control parameter; while operating the optoelectronic device at a second temperature, adjusting the first control parameter to satisfy the first operating requirement, and recording an associated second value of the first control parameter; determining a sequence of values for the first control parameter for a corresponding sequence of temperatures in a predefined range of temperatures in accordance with the first and second recorded values of the first control parameter; and storing a set of control values for the first control parameter into a programmable device within the optoelectronic device, the set comprising at least a subset of the determined sequence of values.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.



Michael Dung Nguyen

1/8/07